

REMARKS

Claims 1-2, 4-6, 9, 14-18 and 21 were examined by the Office, and in the Office Action of July 20, 2010 all claims are rejected. With this response, claim 9 is amended. All amendments are fully supported by the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Claim Rejections Under § 101

In section 5, on page 3 of the Office Action, claim 9 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 9 is amended to recite a "non-transitory" computer readable storage structure, as suggested by the Office. Accordingly, applicant respectfully requests withdrawal of the rejection to claim 9.

Claim Rejections Under § 103

In section 7, on page 3 of the Office Action, claims 1-2, 4-6, 9, 14-18 and 21 are rejected under 35 U.S.C. § 103(a) as unpatentable over Theimer et al. (U.S. Patent No. 5,493,692) in view of Baker et al. (U.S. Appl. Publ. No. 2004/0049696). Applicant respectfully submits that claim 1 as amended is not disclosed or suggested by the cited references, either alone or in combination. Applicant respectfully submits that the cited references, alone or in combination, at least fail to disclose or suggest selecting a user profile stored in a mobile terminal device, and filtering received push-type email received by the mobile terminal device according to a sender based filter characteristic selection, where the filter characteristics are defined in the selected user profile, as recited in claim 1. For at least these reasons, claim 1 is not disclosed or suggested by the cited references.

The Office acknowledges on page 5 of the Office Action that Theimer does not disclose selecting a user profile stored in a mobile terminal device, and filtering received push-type email received by the mobile terminal device according to a sender based filter characteristic selection, where the filter characteristics are defined in the selected user profile, and relies upon Baker for these teachings. However, applicant respectfully submits that Baker also fails to disclose or suggest these limitations recited in claim 1.

The Office asserts that Baker discloses selecting a user profile stored on a mobile terminal device because Baker discusses creating a privileged profile containing a privileged distribution list, and this privileged profile may be packaged with an email and will be present on the recipient's system when the system receives the email. See Baker paragraph [0042]. However, the recipient's system does not select the privileged profile stored on the system, but instead the system only received the privileged profile. This is in contrast to claim 1, which recites selecting a user profile stored on the mobile terminal device, in Baker there can be no selecting since the privileged profile is merely sent to the recipient's system and the recipient's system does not select that privileged profile for handling the email. Instead, the privileged profile defines how the recipient is to handle the received email. See Baker paragraph [0043]. Therefore, for at least this reason, claim 1 is not disclosed or suggested by the cited references.

In addition, Baker also fails to disclose or suggest filtering received push-type email received by the mobile terminal device according to a sender based filter characteristic selection, as recited in claim 1. In contrast to claim 1, in Baker when a user sends an email an executable module is created to enforce the access rights and distribution of the profile by granting access and rights only to those specified in the profile. See Baker paragraph [0076]. This is the opposite of what is recited in claim 1. In claim 1, the mobile terminal filters received email based on the sender of the email, i.e. sender based filter characteristic, and in Baker the sender determines which recipients are to receive and have access to the transmitted email. The filter selection is recipient based in Baker, while in claim 1 the filter is sender based. Accordingly, in Baker a recipient system cannot filter a received email, because the recipient system would not even receive an email that it was not permitted to receive based on the privilege profile of the sender.

Furthermore, Baker also fails to disclose or suggest that the received push-type email is stored in a manner not visible to the selected user profile when the filtered push-type email does not pass the filter characteristics of the selected user profile, as recited in claim 1. Instead, Baker only states that if an email is attempted to be opened with an application that is capable of executing the executable module then the email will remain encrypted, and the user will be unable to view the email. See Baker

paragraph [0079]. In Baker, the user is unable to view the email due to the fact that the application used to attempt to open the email could not decrypt the email, and has nothing to do with the email not passing the filter characteristics of a user profile. Instead, Baker merely discusses encryption techniques that may be used to prevent defeating of access controls, and these encryption techniques are entirely distinct from the filter characteristics discussed in claim 1 of the present application. Accordingly, for at least the reasons discussed above, claim 1 is not disclosed or suggested by the cited references.

Independent claims 9, 14, 19 and 21 contain limitations similar to those recited in claim 1, and therefore are not disclosed or suggested by the cited references for at least the reasons discussed above in relation to claim 1.

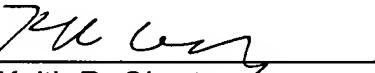
The claims depending from the independent claims are also not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

It is therefore respectfully submitted that the present application is in condition for allowance and such action is earnestly solicited. The Commissioner is hereby authorized to charge to Deposit Account No. 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Dated: 18 January 201


Keith R. Obert
Attorney for Applicant
Registration No. 58,051

WARE, FRESSOLA, VAN DER
SLUYS & ADOLPHSON LLP
Building Five, Bradford Green
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 00495